

### **REMARKS/ARGUMENTS**

Reexamination and favorable reconsideration of the captioned application is respectfully requested.

#### **A. THE PRIOR ART REJECTIONS**

Claims 1-19 and 24-27 are rejected under 35 USC 103(a) as being unpatentable over Lehtovirta et al. (US Patent Publication No. 2001/0034228 A1) in view of Vialen et al. (US Patent No. 6,898,429 B1) in view of Wallentin et al. (US Patent Publication No. 2003/0003895).

#### **B. PATENTABILITY OF THE CLAIMS**

This fourth office action adds a third reference (US Patent Publication No. 2003/0003895 to Wallentin et al.) to an earlier combination of US Patent Publication No. 2001/0034228 A1 to Lehtovirta et al. and US Patent No. 6,898,429 B1 to Vialen et al.

The office action properly admits that US Patent Publication No. 2001/0034228 A1 to Lehtovirta and US Patent No. 6,898,429 B1 to Vialen “fail to explicitly teach that the message is an intra-radio access network message by being sent from the node to the at least one another node and that the claimed element is included in the message in lieu of an individual listing of the connections affected by the reset”. Thus there are two admitted deficiencies of the Lehtovirta/Vialen combination: (1) the message is an intra-radio access network message; and (2) the claimed element is included in the message in lieu of an individual listing of the connections affected by the reset.

The office action alleges that US Patent Publication No. 2003/0003895 to Wallentin is combineable with the Lehtovirta/Vialen combination and supplies both deficiency (1) and deficiency (2).

US Patent Publication No. 2003/0003895 to Wallentin should be disqualified as a reference on two statutory grounds.

As a first statutory ground, US Patent Publication No. 2003/0003895 to Wallentin is at best a reference under 35 USC §102(e) in view of the fact that its publication date of January 2, 2003 is within one year of Applicants' November 5, 2003 PCT filing date. If US Patent Publication No. 2003/0003895 to Wallentin is a 35 USC §102(e) reference, and since it is commonly assigned, according to 35 USC §103(a) US Patent Publication No. 2003/0003895 to Wallentin cannot be used for a 35 USC §103(a) rejection, and should be withdrawn.

In the above regard, assignment of the captioned application to Telefonaktiebolaget LM Ericsson (publ) is attested by a document recorded at reel 018112, frame 0657-0659. US Patent Publication No. 2003/0003895 to Wallentin is assigned on its face to Telefonaktiebolaget LM Ericsson (publ).

As a second statutory ground, applicants' November 5, 2002 provisional filing date precedes the May 11, 2001 filing date of the application which published as US Patent Publication No. 2003/0003895 to Wallentin. Applicants' provisional patent application 60/423,600, filed November 5, 2002, discloses, e.g., that the (1) the message is an intra-radio access network message; and (2) an element is included in the message in lieu of an individual listing of the connections affected by the reset.

With regard to disclosure item (1), see, for example, the second sentence of the second paragraph of the summary of provisional patent application 60/423,600, which states that: "In an example implementation in which the UTRAN is the radio access network, the control node is a radio network control (RNC) node, i.e., a SRNC node, and the message is a RNSAP reset request message."

With regard to disclosure item (2), see, for example, the last sentence of the first paragraph of the summary of provisional patent application 60/423,600, which states that "By virtue of inclusion of the subset reset element, the message need not go to one extreme of listing individually each of the connections affected by the reset, nor to another extreme of specifying all connections controlled by the control node".

Either of these statutory grounds should be sufficient for withdrawing US Patent Publication No. 2003/0003895 to Wallentin and passing all claims to issue.

### **C. MISCELLANEOUS**

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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